

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 98A00042
)	
KANTEASAS RESTAURANT INC.,)	Judge Robert L. Barton, Jr.
D/B/A FEDERICO'S,)	
Respondent.)	
)	

FIRST PREHEARING ORDER

(February 11, 1998)

Respondent has submitted an answer to the complaint in this case which does not conform to the OCAHO Rules of Practice, a copy of which was provided to Respondent with the Notice of Hearing. First, the Rules of Practice provide, in pertinent part, that every pleading (and the answer is a pleading) must be signed, dated, and shall contain the address and **telephone number** of the party. **28 C.F.R. § 68.7(a) (1997)**. The answer does not contain the telephone number of the Respondent. Further, the Rules require the party to certify that the answer was served on the other party (in this instance, the INS). **28 C.F.R. § 68.6 (1997)**. While we understand from Complainant that it did receive a copy of the answer, Respondent must state that in his certificate of service. If that is not done, the pleading may be rejected.

While I am aware that Respondent is not being represented by counsel, Respondent has been given a copy of the Rules and must abide by them. Respondent should consult the Rules for guidance on the procedures to be followed. After consulting the Rules, if Respondent has any questions about the procedure to follow, it may contact my office at (703) 305-1739 between 8:30 a.m. and 5:00 p.m. Monday-Friday.

Not later than February 26, 1998, the Complainant and Respondent shall file a pleading proposing alternate dates and times for a telephone prehearing conference. The conference is expected to last approximately an hour and a half and will address the issues involved in this case. The parties should attempt to submit a joint pleading signed by both parties agreeing on certain dates and times for the conference. However, if the parties cannot agree, they shall submit separate proposals. I will then issue a written notice of the conference which will discuss the issues raised by the complaint and answer.

Also, not later than February 26, 1998, Complainant shall file with my office a copy of the I-9 forms in its possession for the individuals listed in the complaint.

An original and two (2) copies of all pleadings, including attachments, shall be filed with this office. 28 C.F.R. § 68.6(a). All documents filed with this office, including but not limited to motions, other pleadings and memoranda, shall have numbered pages. The parties shall not file with the Judge any documents produced during discovery unless the documents are related to a pending motion or upon the order of the Administrative Law Judge. 28 C.F.R. § 68.6(b).

If the parties settle this case, counsel for Complainant shall be responsible for submitting a written notice or motion pursuant to the requirements of 28 C.F.R. § 68.14.

My telephone number and FAX number are included in the service list. Representatives for the parties shall provide me with their telephone and FAX numbers so that those can be included on the service list as well.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February, 1998, I have served the foregoing First Prehearing Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Mimi Tsankov
Assistant District Counsel
Immigration and Naturalization Service
P.O. Box 2669
New York, NY 10008-2669
(Counsel for Complainant)
(by FAX and first class mail)

Normal Leighton, President
Kanteasas Restaurant, Inc.
1981 Broadway
New York, NY 10023
(Respondent)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041
(Hand Delivered)

Linda Hudecz
Legal Technician to Robert L. Barton, Jr.
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
Telephone No.: (703) 305-1739
FAX NO.: (703) 305-1515